

Message Text

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ACTION EB-08

INFO OCT-01 NEA-11 IO-13 ISO-00 LAB-04 SIL-01 CEA-01
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DODE-00 FRB-03 H-01 INR-10 INT-05 L-03 NSAE-00
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C O N F I D E N T I A L COLOMBO 2965

USMTN

E.O. 11652: GDS
TAGS: ETRD, ELAB, CE

SUBJ: REQUEST FOR INFORMATION ON LABOR STANDARDS

REF: (A) STATE 136706, (B) COLOMBO 0382, (C) COLOMBO 0221

1. AS REQUESTED PARA 3, REFTEL A:

A. SRI LANKA LAW DOES NOT PERMIT SLAVE, INDENTURED OR OTHER
FORCED LABOR. WE ARE NOT AWARE OF ANY FORCED LABOR PRACTICES
IN SRI LANKA.

B. THE EMPLOYMENT OF WOMEN, YOUNG PERSONS AND CHILDREN'S
ACT NUMBER 47 OF 1956 APPLIES. THE ACT PROHIBITS EMPLOYMENT
OF PERSONS UNDER 14 YEARS OF AGE IN INDUSTRIAL UNDERTAKINGS,
EXCEPT IN FAMILY-OPERATED BUSINESSES WHERE ONLY FAMILY MEMBERS
ARE EMPLOYED, IN WHICH CASE THE MINIMUM EMPLOYMENT AGE IS 12
YEARS. THE ACT IS STRICTLY ENFORCED.

C. CHAPTER 128 OF FACTORIES ORDINANCE OF S.L. LABOR CODE
REQUIRES EMPLOYERS TO PROVIDE "REASONABLY SAFE" CONDITIONS
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FOR WORKERS EXPOSED TO HAZARDOUS MATERIALS. CODE DOES NOT
SPECIFY WHAT REASONABLE CONDITIONS ARE REGARDING WORK AROUND
TOXIC SUBSTANCES. A 1976 AMENDMENT TO THE LAW ADDS NOISES
AND VIBRATIONS, AND RADIATION TO THE LIST OF TOXIC SUBSTANCES.
ACCORDING TO A DIVISION OF INDUSTRIAL HYGIENE (DIH) OFFICIAL,
MINIMUM INDUSTRIAL REQUIREMENTS IN SRI LANKA RELATING TO TOXIC
SUBSTANCES ARE MOST OFTEN BASED ON PUBLISHED U.S. STANDARDS.

D. THERE ARE NO LAWS WHICH APPLY DIFFERENTIAL LABOR REGULATIONS OR STANDARDS TO SUBJECT AREAS LISTED PARA 3 (D), REFTEL A, AT THIS TIME. HOWEVER, IN JANUARY, 1978, A BILL WAS INTRODUCED IN THE NATIONAL STATE ASSEMBLY (NSA) WHICH WOULD HAVE GRANTED THE GREATER COLOMBO ECONOMIC COMMISSION THE AUTHORITY TO EXEMPT FIRMS LOCATED WITHIN THE PROPOSED FREE TRADE ZONE (FTZ), WHICH IS GOVERNED BY THE COMMISSION, FROM VARIOUS EXISTING LAWS REGARDING LABOR AND BUSINESS PRACTICES (REF B). AMONG THE LABOR LAWS CONCERNED WERE THE TRADE UNION ORDINANCE, THE WAGES BOARD ORDINANCE, THE WORKMEN'S COMPENSATION ORDINANCE AND OTHERS, ALL OF WHICH BEAR ON WORK CONDITIONS, WAGES, AND BENEFITS OF WORKERS. PRESENTED AS ONE OF THE MANY INCENTIVES TO BE MADE AVAILABLE TO INVESTORS IN THE FTZ, THE BILL WAS CHALLENGED BY LOCAL UNIONS (REF C). WHEN THE CONSTITUTIONAL COURT ANNOUNCED ITS FINDING THAT SEVERAL SECTIONS OF THE BILL WERE "INCONSISTENT WITH THE CONSTITUTION," THE PRIME MINISTER WITHDREW THE BILL. LATER, THE NSA PASSED AN AMENDED VERSION OF THE BILL, WHICH DID NOT SPECIFY WHETHER THE LABOR ORDINANCES MENTIONED ABOVE WERE TO BE EFFECTED.

2. EMBASSY COMMENT: GSL DESIRE TO ATTRACT INVESTMENT TO FTZ MAY YET LEAD TO CHANGES IN APPLICABLE LABOR LAWS. WE WILL PROMPTLY REPORT ANY SIGNIFICANT DEVELOPMENTS.
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